

**EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
AUGUST 2, 2011**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on August 2, 2011 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
JACK VOLPATO	COMMISSIONER, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
KAREN ROBINSON	ASSESSOR
DIANE DESOTO	CHIEF DEPUTY ASSESSOR
TERRI RICHARDS	TREASURER
KENT WALLER	CHIEF DEPUTY SHERIFF
DEBBIE PENALUNA-FUNK	ASSISTANT FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
ROBERT STEWART	WARDEN
CAROL HENNINGTON	INFORMATION SYSTEMS SUPERVISOR
SHARON DODSON	NETWORK SUPPORT ANALYST
KENNEY RAYROUX	HUMAN RESOURCES DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGER
ROBERT BRADER	FIRE SERVICE COORDINATOR
LINDA MARTINEZ	INDIGENT ADMINISTRATOR
STEVE MCCROSKEY	CODE ENFORCEMENT
GEORGIA GOAD	RURAL ADDRESSER
JANELL WHITLOCK	CARLSBAD CITY COUNCIL
ROBERT DEFER	CARLSBAD CHAMBER OF COMMERCE
STELLA DAVIS	CARLSBAD CURRENT ARGUS

Absent:

JOHN CARAWAY	PROBATE JUDGE
ERNEST MENDOZA	SHERIFF

TIMED AGENDA:

8:30 A.M.

1. **RECOGNITION – ALLEN R. SARTIN:** Sartin recognized Bob Hernandez and Lupe Lara for their hard work and dedication to keeping the administration building clean during the recent construction.

2. **UPDATES FROM COMMUNITY SERVICE GROUPS:**

a. **CARLSBAD CHARACTER COUNTS! – JEAN YOUNG:** Young stated the program was dedicated to teach young people the six pillars of character. Students were awarded throughout the year for exhibiting those behaviors. In the upcoming year, the six character banners would be placed at each entrance of Carlsbad and throughout the city. Eventually Loving, Malaga and White's City would be included in the banner program. Upcoming events included Character Counts week, tailgate parties before Cavemen games, and citizen recognition. Young offered character training to any organization in the community. She thanked the Board for their past and continued support.

b. **CARLSBAD CHAMBER OF COMMERCE – RETIREMENT – BOB YEAGER:** Bob Yeager, Chairman of the Retirement Council, introduced Marsha Drapala, Chairperson of a special retiree up and coming event. Yeager recognized Janell Whitlock, Director of the Retirement Committee, for her hard work on the program. Yeager passed out a packet of information outlining the retirement initiative. The Chamber had been able to track 183 retirees that had moved to Carlsbad since 2008 as a result of the program. Yeager attributed the success of the program to aggressive wide spread advertising. Drapala stated they would host an event in May of 2012 to correspond with the New Mexico Centennial which would target people who have inquired about the area at least twice. The goal was to get people who were interested in Carlsbad here when there was activity. Carlsbad would be listed on the Centennial Calendar. Yeager and Drapala thanked the Board for their support.

3. **PERMISSION, BANNER ON COURT HOUSE LAWN – ALLEN R. SARTIN:**

Suzanne Hathon, Vice President, of C-PAWS, stated they had a booth set up at the Farmer's Market to promote responsible pet ownership. Hathon requested the organization be allowed to place a banner on the courthouse lawn with statistics from Noah's Ark. The request was to display the banner every Saturday during the Farmer's Market. The goal of the banner was to educate the public on the importance of spay and neutering pets. Lutman moved, seconded by Volpato to approve the request to display the banner on Saturday during the Farmer's Market. Hernandez suggested the number of spay and neuter certificates be increased in order to avoid euthanasia. Hathon stated funding was limited however, they would be glad to work with the Board to increase the program. Volpato suggested the Board review the PSA at mid-year. Hernandez stated he had reservations about placing the banner on county property and would not support the request. Voting yes: Lara, Lutman, Volpato and Derrick. Voting no: Hernandez. Passed 4-1.

4. **REQUEST FOR LETTER OF SUPPORT – ADELANTE –ALLEN R. SARTIN:**

Paul Luttrell, Associate Vice President of Business Development and Robert Sobush, Project Manager at FLETC, thanked the Board for allowing them to present today. Luttrell reported Adelante was an organization which helped disabled persons find employment. In partnership with FLETC, they operated a contract which employed 34 people. The unemployment rate among disabled persons was 60%. Luttrell thanked the Board for last year's letter of support which helped them obtain funding to provide

transportation to participants. Sobush reported most of the employees at FLETC did not drive themselves; the cost of transportation was around \$120 a month. The average wage was anywhere from \$10 to \$15 an hour. Lutman thanked them for Adelante's contribution to the disabled community. Lara questioned if they had unemployment statistics per county. Sobush stated those numbers could be obtained on the Department of Health's web site. Lutman moved, seconded by Derrick to approve the letter of support. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

5. **UPDATE FROM US FOREST SERVICE – ALLEN R. SARTIN:** Jim Gumm, District Ranger, introduced Robert Trujillo, Lincoln National Forest Supervisor. Gumm reported 7 fires had destroyed 41K acres in the district. Most of the district had been re-opened; however, Sitting Bull Falls remained closed due to safety concerns. Seven caves had been opened for recreational permits. Gumm stated the fire impacts had been relatively minor and were under repair. Gumm reported he would be revising management plans and getting input from the community. Trujillo reported fires burned over 100K acres in the Lincoln National Forest this season. Trujillo stated he was a strong advocate of working forests and gave a brief overview of the plan to restore the land and enhance land ethic. He passed out contact information and invited anyone with questions to please call. Lutman questioned how many were employed in the Carlsbad area. Gumm stated he had a staff of 17, which covered 288K acres. Both gentlemen thanked the Board for their past and continued support.

TRAILING AGENDA:

1. **APPROVE:**

- a. **SPECIAL COMMISSION MEETING MINUTES FOR JULY 12, 2011:** Derrick moved, seconded by Lara to approve the Special Commission Minutes for July 12, 2011. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

- b. **EXPENDITURE APPROVAL LIST FOR AUGUST 2, 2011 CHECK RUN:** Derrick moved, seconded by Volpato to approve the Expenditure Approval List for August 2, 2011 Check Run. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. The Expenditure Approval List for August 2, 2011 Check Run was recorded as Exhibit 1.b.

2. **APPROVE/DISAPPROVE INDIGENT BURIAL – LINDA P. MARTINEZ:** Lara moved, seconded by Hernandez to approve the indigent burial. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

3. **SAGEBRUSH DUNES LIZARD, LETTER TO FWS – ALLEN R. SARTIN:** Sartin stated Fish & Wildlife had suggested a meeting date of September 6, 2011. Derrick suggested the letter still be sent. He reported Chaves County suggested a joint meeting with Fish & Wildlife. Derrick strongly opposed a joint meeting until each county had their comments on record, and then later the counties could combine their concerns. The Board agreed. There would be a meeting on August 15, 2011 at the Ocotillo Theater in Artesia to discuss the science used to list the lizard. Derrick stated the legislators listed to receive a copy of the letter needed to be corrected to those who currently hold the offices. Lara suggested the proposed meeting date of September 6, 2011 be added to the letter. Lutman

wanted to add the Governor to the copy list on the letter. Derrick agreed and suggested local legislators from Eddy, Lea and Chaves Counties be added as well. Derrick moved, seconded by Lutman to approve the letter with changes as discussed. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

4. **BRIDGE PERMIT, PIPELINE CROSSING – ALLEN R. SARTIN:** Sartin stated the document was a starting point and could be changed in the future. If the Board agreed he would forward the document to Tom Martin. Derrick clarified this was an annual permit. Lutman moved, seconded by Derrick to move forward with the permit. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.
5. **REVIEW INCENTIVES FOR SOUTHERN UNION GAS SERVICES – ALLEN R. SARTIN:** George Francis, a representative of Southern Union Gas, was present to answer any questions the Board had. Lara stated the Assessor had some information on how these incentives might affect the schools. Robinson questioned if the county would receive taxes from production and if Lea Partners owned Southern Union's pipeline. Francis reported the county would receive production tax. Tabor stated Lea Partners was an owned subsidiary of Southern Union. Robinson stated the company had registered a protest against the county for taxes assessed. Robinson reported the schools would receive \$461,671, the college \$268,459, and the State would get \$120,807 per year if the plant was built in New Mexico. Francis stated they would employ 40 people with a salary of \$80K per year. This did not include local contractors that would be used by the company. Sartin stated the land in question was State BLM land and the county did not receive property tax, the plant however was fully taxable. Lara, Lutman, Derrick and Volpato all whom support economic development would not support tax abatement for a company who was currently protesting the county for taxes assessed. Hernandez stated he was in favor of an exemption for a limited number of years. He suggested a 5 year approach where the incentives started high and tapered off. Hernandez questioned what Eddy County would need to do to compete with Reeves County in the way of incentives. Francis stated they were expecting an offer from Reeves County next week. There were several factors that would be considered in the decision on where to build the plant. Tax incentives were a part of that but not the only factor. Lutman moved, seconded by Derrick to deny tax incentives. Derrick stated he supported the business and hoped the company would build here; however, tax abatement was not fair to existing business. Voting yes: Lara, Lutman, Volpato and Derrick. Voting no: Hernandez. Passed 4-1.
6. **REVIEW, PARTICIPATION IN WIPP MANAGEMENT RFP – ALLEN R. SARTIN:** Lutman stated he had concerns about the incentives the Carlsbad DOD would receive from the successful company. He supported the basic idea; however, he did not support monetary incentives for the DOD, and would withdraw his support if that language did not change. Hernandez stated Lara, Volpato and Steve McCutcheon represented the County on the RFP committee. Lara stated when the County adopted the resolution, there was not a draft RFP for review. After a meeting of the committee, it became clear a draft was needed to present with the resolution of support. Several of the participating entities had an issue with the wording cash commitment in the RFP. Lara stated that wording was taken out and more emphasis would be placed on the community aspects of the RFP. The revised RFP was distributed to prospective companies last night for completion. Lutman questioned if this process was the norm for government contracts. McCutcheon stated it was not the norm,

however, when high ranking DOE officials were questioned about the process they did not have any objections. Sartin stated part of the problem was the terminology RFP, the document was not an actual RFP and would not award a contract. The more appropriate title would be questionnaire. Volpato stated this had no bearing on contract negotiations with DOE, and it would not be awarded points or hold any weight when the bid was awarded. The agreement was a non-binding document to be used as a tool to gather information about the company's intention to the community. Derrick respectfully disagreed, and felt the wording in the document sounded like pay to play. He had a problem with hiring a company not because they were the best qualified, but because they offered the best incentives. Derrick stated he wanted his name rescinded from the resolution. Lara pointed out that DOE would award the contract. She stated companies were approaching community leaders separately with offers of what they would be willing to do for the community, and the RFP was a way to make the process upfront and transparent. The RFP was a way to get control of what was happening and make it a fair process. Lara supported the RFP because it was important, it would maximize the benefits to the community, and it was the only way to protect the citizens and business community of Eddy County. McCutcheon stated the RFP presented the community as united not fragmented. Lara pointed out the RFP was generated because companies were approaching local leaders and they needed a fair way to deal with them. Lutman stated the intentions were good, however; there was a split in the community regarding the RFP. It was controversial, and he would prefer a clean bid process without incentives being disclosed. Hernandez stated he had contacted the committee with his concerns; they listened and revised the document. He questioned if this was the final draft. Lara stated it was, and had been distributed. Hernandez suggested the committee use criteria similar to the DOE when evaluating the proposals. Volpato explained the DOE would be evaluating an actual bid and would use a more in depth evaluation process than would be needed for this RFP. Derrick stated he voted on a resolution to support WIPP. This RFP was done after the resolution was passed. In the future, he would not support any resolution before all the facts were presented. Derrick moved, seconded by Lutman to rescind R-11-44. Volpato stated if the resolution was rescinded, it would take Eddy County out of the discussion. Lara stated it was a dangerous precedent to rescind resolutions well after they had been passed. Voting yes: Lutman and Derrick. Voting no: Lara, Hernandez and Volpato. Failed 3-2.

7. **SHERIFF'S LAND RESEARCH – ALLEN R. SARTIN:** Sartin stated the land issue should be discussed in closed session because it may lead to land acquisition. Sartin reviewed the costs for a new building versus a remodel. He estimated it would cost \$1 million more to purchase the Surplus City property and remodel it than to start from scratch. At least 75% of the 20K square feet needed would have to be remodeled. Hernandez agreed. He cited the Clerk's Office attempted remodel as an example of what problems could occur. Hernandez also expressed concern about accreditation for the department in a remodeled facility. Lara stated Craig Stephens had additional information concerning the sale price of the building in question, and suggested Sartin contact him. Lutman concurred with Hernandez and was in favor of a new building. Hernandez questioned if the Sheriff intended to apply for accreditation. Waller stated the goal was to become accredited and the building was critical to the process. The designation would save the county money and protect against law suits. Lara questioned what the building requirements were for accreditation. Waller stated there were 250 building standards that had to be met for accreditation. Derrick stated it would be good to get a firm price on the building before a decision was made.

8. **RESOLUTIONS:**

a. **R-11-48: CONTINUE MEMBERSHIP IN SNMEDD/COG – ALLEN R. SARTIN:** Lutman moved, seconded by Volpato to approve R-11-48. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-48 was recorded as Exhibit 8.a.

b. **R-11-49: ACCEPT DONATION OF AMBULANCE FROM CITY OF CARLSBAD – JOEL ARNWINE:** Lutman moved, seconded by Lara to approve R-11-49. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-49 was recorded as Exhibit 8.b.

c. **R-11-50: APPROVE RESULTS OF VFD ELECTIONS – JOEL ARNWINE:** Volpato moved, seconded by Lara to approve R-11-50. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. R-11-50 was recorded as Exhibit 8.c.

9. **AGREEMENTS:**

a. **A-11-68: CONTRACT MEMBERSHIP IN SNMEDD/COG - ALLEN R. SARTIN:** Lutman moved, seconded by Derrick to approve A-11-68. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-68 was recorded as Exhibit 9.a.

b. **A-11-69: CONTRACT WITH ROOSEVELT COUNTY FOR HOUSING OF ALL PRISONERS – WARDEN ROBERT STEWART:** Lara moved, seconded by Lutman to approve A-11-69. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-69 was recorded as Exhibit 9.b.

c. **A-11-70: JPA FOR THE PROVISION OF SCHOOL RESOURCE OFFICER IN THE CARLSBAD MUNICIPAL SCHOOLS – SHERIFF ERNEST J. MENDOZA:** Lutman moved, seconded by Volpato to approve A-11-70. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-70 was recorded as Exhibit 9.c.

d. **A-11-71: APPROVE INTERLOCAL CONTRACT FOR HGAC PURCHASING – JOEL ARNWINE** Lutman moved, seconded by Lara to approve A-11-71. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. A-11-71 was recorded as Exhibit 9.d.

10. **TRAVEL REQUEST CONSENT AGENDA:**
PRIOR:

a. **ROBERT BRADER ATTENDED TRAINING IN ALBUQUERQUE, NM:**

FUTURE:

b. **KAREN ROBINSON TO ATTEND MEETINGS IN LOS LUNAS, NM:**

c. CAPTAIN LANCE RIDGWAY TO ATTEND A MEETING & TRAINING IN FORT WORTH, TX:

d. LT. J. PAGE & LT. A. JONES TO ATTEND TRAINING IN RUIDOSO, NM:

e. ROXANNE LARA TO ATTEND CONFERENCE IN SAN ANTONIO, TX:

Derrick moved, seconded by Volpato to approve the travel consent agenda. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

11. LEGISLATIVE ISSUES: None.

12. EMERGENCY BUSINESS: Robin Bostick reported Jamie Smylie, from Roosevelt County, would like to attend the State Fair and represent Eddy County in the Queen contest. Bostick stated Eddy County did not have a representative. The Sheriff's Posse would be the actual entity to approve the request. Bostick was asking for the blessing of the Board for Smylie to represent Eddy County. Lutman moved, seconded by Hernandez to approve the request. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0. Sartin stated the reason it was brought as emergency business was the application had to be submitted before the Board's next meeting.

13. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

14. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: None.

15. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: None.

16. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS: Lara stated she would be attending a legislative conference to promote our area for nuclear waste storage.

Lutman stated he had received calls concerning Jones Road in Happy Valley, which he would discuss with Weldon. He expressed concerns about the use of county vehicles and requested the issue be placed on the agenda for the next meeting

Volpato reminded everyone tonight was National Night Out, and encouraged everyone to attend.

Derrick reported the Fair was a huge success despite the heat. The sales brought close to \$400K, which was a record. Derrick stated he had received calls from concerned residents in Loco Hills about the dumpster the county had placed in the area. Apparently people were dumping items other than household waste, and residents were concerned that the dumpster may be removed. Residents expressed their wishes that the dumpster remain where it was.

17. PROJECT UPDATES: None.

18. CLOSED MEETING: At 12:10 p.m., Hernandez moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to

discuss personnel, pending litigation, and real property to reconvene in approximately 1 ½ hours. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

19. RE-OPEN: At 2:44 p.m., Hernandez moved, seconded by Derrick to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

20. ADJOURN: At 2:45 p.m., Lara moved, seconded by Volpato to adjourn the meeting. Voting yes: Lara, Lutman, Hernandez, Volpato and Derrick. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

DATE: _____

EDDY COUNTY BOARD OF COMMISSIONERS
MINUTES OF A REGULAR MEETING
AUGUST 16, 2011

BE IT REMEMBERED that the Eddy County Board of Commissioners held a regular meeting in Room 211 of the Eddy County Administration Complex on August 16, 2011 at 8:30 a.m. Hernandez called the meeting to order. Sartin led the Pledge of Allegiance and gave the invocation.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
GUY LUTMAN	COMMISSIONER, DISTRICT 3
JACK VOLPATO	COMMISSIONER, DISTRICT 4
CAS TABOR	COUNTY ATTORNEY
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
ERNEST MENDOZA	SHERIFF
TERRI RICHARDS	TREASURER
DIANE DESOTO	CHIEF DEPUTY ASSESSOR
LINDA MARTINEZ	INDIGENT CLAIMS ADMINISTRATOR
YOLANDA SING	INDIGENT CLAIMS ASSISTANT
LARRY AUGSBURY	FINANCE DIRECTOR
GAY WEST	ADMINISTRATIVE ASSISTANT
ROBERT STEWART	WARDEN
DANNY STAFFORD	MAINTENANCE SUPERVISOR
MELISSA AZZINARO	HUMAN RESOURCES ASSISTANT
FRANK WELDON	ROAD SUPERINTENDENT
STEVE MCCROSKEY	CODE ENFORCEMENT
CAROL HENNINGTON	IT DIRECTOR
JOEL ARNWINE	EMERGENCY MANAGEMENT
WARREN HARDIN	GIS COORDINATOR
GEORGIA GOAD	RURAL ADDRESSER
JIM GRANTNER	PLANNING & ZONING COMMITTEE
STELLA DAVIS	CARLSBAD CURRENT ARGUS

Absent:

JOHN CARAWAY	PROBATE JUDGE
KAREN ROBINSON	ASSESSOR

TIMED AGENDA:

8:30 A.M.

1. **SERVICE AWARDS:** Derrick and Ray Romero, Road Supervisor, presented a service award to Ysidro Martinez, Jr. for 10 years of service to Eddy County.
2. **UPDATES FROM COMMUNITY SERVICE GROUPS:**
 - a. **ARTESIA MAINSTREET – REBECCA PRENDERGAST:** Prendergast reported the next big project was renovation of Veteran’s Park. Construction would begin the first of next year. The project was scheduled to be completed on Memorial Day, 2012. Mainstreet recently hosted the Back to School Bash, and would continue to coordinate with city and county entities to schedule events in the coming year. Hernandez and Volpato commended Artesia for their Mainstreet Program. Lutman recognized Mayor Burch of Artesia, in the audience and thanked him for attending. Prendergast thanked the Board for their support.
 - b. **KID’S SAFEHOUSE OF EDDY COUNTY – LINDE MERRY:** Selma Lopez reported the Safehouse was down one employee. Lopez explained the program had three components; child abuse investigations, prevention in the schools, and family follow up. The program worked closely with law enforcement, CYFD, and the District Attorney’s Office in order to provide services for those in need. Merry reported they had experienced a substantial cut in funding last year. She stated Governor Martinez had donated the money which would have been used for an inaugural ball to safehouses across the State in the form of a one-time grant. Lara thanked the Safehouse for the work they do in the community and questioned if interviews had increased. Merry stated they had experienced a slight decrease over the last year. Merry thanked the Board for their past and continued support.
3. **COMMISSION DISTRICT – REDISTRICTING – MICHAEL SHARP, RESEARCH & POLLING – DARLENE ROSPRIM:** Sharp explained the data had been analyzed and due to a shift in population, commission districts would need to be adjusted. Sharp reviewed the basic requirements of redistricting and the proposed plans. A special meeting was scheduled for August 24th at 6:00 p.m. for public input. The proposed plan was recorded as Timed Agenda Exhibit 3.
4. **BID AWARDS:**
 - a. **B-10-16: NEW FINANCIAL SYSTEM – ALLEN R. SARTIN:** Sartin reported eight different proposals were submitted. After extensive review and demonstrations, the committee’s recommendation was to award the bid to Tyler Technologies MUNIS System. Lutman moved, seconded by Volpato to award B-10-16 as recommended. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 4.a.
 - b. **B-11-11: SANDPOINT LANDFILL ENGINEERING SERVICES – ALLEN R. SARTIN:** Sartin stated after review by the committee, the company that scored the

highest was SCS Engineers. The recommendation was to award the bid to SCS contingent upon a negotiated contract. Lara expressed concern about switching companies. The current contractor, Stoller Inc., was within six points of the top company. Stoller was experienced and based locally. Volpato questioned what legal issue would arise if the board did not take the recommendation of the committee. Tabor stated the criteria to award the bid was set according to statute and the Board would need a good reason not to take the recommendation. Derrick questioned if there was an emergency at the landfill how soon could SCS be on site? Sartin stated the closest office was Alamogordo. Derrick moved, seconded by Lutman to award B-11-11 as recommended contingent upon a negotiated contract. Voting yes: Lutman, Hernandez, Volpato, and Derrick. Voting no: Lara. Passed 4-1. The bid minutes and invitation to bid were recorded as Timed Agenda Exhibit 4.b.

TRAILING AGENDA:

1. & 2. **RECESS EDDY COUNTY COMMISSION MEETING & CONVENE AS INDIGENT HOSPITAL CLAIMS BOARD:** At 9:43 a.m., Derrick moved, seconded by Hernandez to recess the regular commission meeting and to convene as the Indigent Hospital Claims Board. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
3. **INDIGENT HOSPITAL CLAIMS BOARD:** See indigent minutes.
4. **RECONVENE EDDY COUNTY COMMISSION MEETING:** At 9:46 a.m., Volpato moved, seconded by Lutman to adjourn the Indigent Hospital Claims Board and reconvene the regular meeting. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
5. **APPROVE:**
 - a. **COMMISSION MEETING MINUTES FOR JULY 19, 2011:** Lara moved, seconded by Derrick to approve the Commission Meeting Minutes for July 19, 2011. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
 - b. **COMMISSION MEETING MINUTES FOR AUGUST 2, 2011:** Lara moved, seconded by Volpato to approve the Commission Meeting Minutes for August 2, 2011. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
 - c. **EXPENDITURE APPROVAL LIST FOR AUGUST 16, 2011 CHECK RUN:** Volpato moved, seconded by Derrick to approve the Expenditure Approval List for August 16, 2011 Check Run. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. The Expenditure Approval List for August 16, 2011 Check Run was recorded as Exhibit 5.c.
 - d. **PURCHASE CARD EXPENDITURE APPROVAL LIST FOR JULY, 2011:** Volpato moved, seconded by Derrick to approve the Purchase Card Expenditure Approval List for July, 2011. Voting yes: Lutman, Hernandez, Volpato, Derrick and

Lara. Passed 5-0. The Purchase Card Expenditure Approval List for July, 2011 was recorded as Exhibit 5.d.

6. **APPEAL, CODE ENFORCEMENT ACTION R-11-45 3008 COLFAX ROAD – ALLEN R. SARTIN:** Mr. Aranda, owner of the property, asked for a six month extension to complete construction of the home. Aranda reported he was in the process of obtaining a permit. Lutman suggested approval with an update after 90 days to make sure the work was being done. McCroskey stated the case was opened in 2009 and Mr. Aranda had indicated in January, 2011 he would get a permit, and had not done so. Lutman moved, seconded by Derrick to approve a 90 day extension contingent upon status reports. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.
7. **TREASURER’S FINANCIAL REPORT FOR JULY, 2011 – TERRI RICHARDS:** The item was for information only. The Treasurer’s Report was recorded as Exhibit 7.
8. **REVENUE REPORT – LARRY AUGSBURY:** Augsbury reported the new fiscal year had started off well. The GRT of \$63,712 exceeded the budgeted amount for the 14th month in a row. Oil and gas receipts were \$463,466, which exceeded the budget for the 18th month in a row. Augsbury pointed out the down grade in the US governments credit score could negatively affect our economy.
9. **RESOLUTIONS:** None.
10. **AGREEMENTS:**
 - a. **A-11-65: USDA AGREEMENT FOR WILDLIFE MANAGEMENT SERVICES – ALLEN R. SARTIN:** Derrick moved, seconded by Lara to approve A-11-65. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-65 was recorded as Exhibit 10.a.
 - b. **A-11-72: APPROVE CONTRACT MUNIS SOFTWARE LICENSE – ALLEN R. SARTIN:** Volpato moved, seconded by Derrick to approve A-11-72. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-72 was recorded as Exhibit 10.b.
 - c. **A-11-73: APPROVE CONTRACT MUNIS SOFTWARE CONVERSION– ALLEN R. SARTIN:** Derrick moved, seconded by Lara to approve A-11-73. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. A-11-73 was recorded as Exhibit 10.c.
 - d. **A-11-74: CONTRACT WITH LEXISNEXIS FOR DISTRIBUTED MEDIA PRISON SOLUTION – WARDEN ROBERT STEWART:** Lara questioned if there were other options like the State Bar Program which was free. Derrick agreed, other options should be explored. Tabor stated the state bar disk probably did not provide the extensive options for inmates that LexisNexis did. Stewart stated the funds for the agreement would come out of the commissary money. Lutman moved, seconded by Volpato to approve A-11-74. Voting yes: Lutman, Hernandez, and Volpato. Voting no: Derrick and Lara. Passed 3-2. A-11-74 was recorded as Exhibit 10.d.

11. TRAVEL REQUEST CONSENT AGENDA:

PRIOR:

- a. **ROBERT STEWART ATTENDED A MEETING IN SANTA FE, NM:**
- b. **MICHELLE SHOTT, OBED FUENTEZ & MICHAEL INGRAM ATTENDED A CONFERENCE IN ALBUQUERQUE, NM:**
- c. **PHYLISS LUNA ATTENDED A MEETING IN ALBUQUERQUE, NM:**

FUTURE:

- d. **TODD BANNISTER & RUTH WALKER TO ATTEND A CONFERENCE & TRAINING IN BALTIMORE, MD:**
- e. **ANIMAL CONTROL TO ATTEND TRAINING IN ANIMAL CRUELTY INVESTIGATIONS IN ALBUQUERQUE, NM:**
- f. **ANIMAL CONTROL TO ATTEND A NEW MEXICO HUMANE CONFERENCE IN ALBUQUERQUE, NM:**
- g. **DEPUTY TO ATTEND TRAINING IN SANTA FE, NM:**

Lara moved, seconded by Volpato to approve the travel request consent agenda. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

12. LEGISLATIVE ISSUES: Sartin reported the special session would start September 6, 2011.

13. EMERGENCY BUSINESS:

a. **R-11-51: AFFIRM & ADOPT COUNTY BUDGET:** Lara moved, seconded by Hernandez to approve R-11-51. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0. R-11-51 was recorded as Exhibit 13.a.

14. PUBLIC COMMENTS/ANNOUNCEMENTS: None.

15. COUNTY MANAGER COMMENTS/ANNOUNCEMENTS: Sartin stated with the approval of the new financial software he would be scheduling meetings with department heads.

16. ELECTED OFFICIALS COMMENTS/ANNOUNCEMENTS: Arnwine clarified the expense to Madron Services was for Cottonwood Fire Station, not Happy Valley. The fence was repaired, and some excavation work was done to control drainage.

Weldon reported the road department was no longer under an emergency 1 call to blade roads. They would now operate under a normal call which would be answered within 3 days.

- 17. COUNTY COMMISSIONER COMMENTS/ANNOUNCEMENTS:** Lara reported she had attended the ground breaking for the Union Pacific Railroad in Santa Teresa, New Mexico. She had the opportunity to speak with legislators about local job openings and encouraged them to send people to Eddy County.

Lara reported the Governor had approved using stimulus funds for the VINES program. Sartin stated funding had been approved for 2 more months, so the county agreement would probably be for 8 months.

Lutman reported he had attended a town hall meeting with Steve Pearce concerning the power of counties and states.

Derrick stated he had attended a field tour of the Sand Dune Lizard and Prairie Chicken Habitat. BLM, Fish & Wildlife Service, and the biologist for the NRCS were in attendance. Discussions were heated but productive. He also attended the meeting in Artesia, which was held to look at the science used by Fish & Wildlife when listing the lizard. The research findings were available on the Artesia Chambers web site.

Sartin stated Commissioner Derrick had voiced concerns about the meeting with Fish & Wildlife on September 6, 2011. Due to those concerns, he suggested the meeting be separated from the regular morning meeting and scheduled for 2:00 p.m. that afternoon at a larger venue. Unless the Board objected, he would proceed with that plan. Derrick stated he anticipated a larger crowd for that meeting due to community interest on the subject.

- 18. PROJECT UPDATES:** Sartin reported the public works reports would be presented at the next meeting. Smith Engineering was unable to attend today.

Lutman questioned Derrick about progress at the Shooting Range. Sartin reported the project was in the flood zone and work would have to be done to build up the site. Derrick stated the project needed to get moving as there was a State Shoot scheduled for next year.

- 19. CLOSED MEETING:** At 11:11 a.m., Hernandez moved, seconded by Derrick to recess the meeting and to hold a closed meeting in accordance with NMSA 10-15-1H (2), (7) and (8) to discuss personnel, pending litigation, and real property to resume the regular meeting at 12:00 p.m. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

- 20. RE-OPEN:** At 12:58 p.m., Hernandez moved, seconded by Derrick to reconvene in open session and to certify that only the items listed in the motion to close the meeting were discussed in accordance with NMSA 10-15-1H (2), (7) and (8). Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

21. ADJOURN: At 12:59 p.m., Volpato moved, seconded by Lutman to adjourn the meeting. Voting yes: Lutman, Hernandez, Volpato, Derrick and Lara. Passed 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST: _____
COUNTY CLERK

DATE _____

**EDDY COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
AUGUST 24, 2011**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a Special Meeting in Room 211 of the Eddy County Administration Complex on August 24, 2011 at 6:00 p.m. Hernandez called the meeting to order.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
JACK VOLPATO	COMMISSIONER, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
GAY WEST	ADMINISTRATIVE ASSISTANT
DAVE ABRAMS	RESEARCH & POLLING CONSULTANTS
STELLA DAVIS	CARLSBAD CURRENT ARGUS
TYLER GRAHAM	ARTESIA DAILY PRESS

Absent:

CAS TABOR	COUNTY ATTORNEY
JOHN CARAWAY	PROBATE JUDGE
KAREN ROBINSON	COUNTY ASSESSOR
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF

Sartin announced he had received calls regarding whether there would be a meeting held in Artesia to receive public input about the commission redistricting. After discussion, it was decided to have the meeting on Tuesday or Wednesday of next week at 6:00 p.m. Sartin would check building availability and set the actual date. Dave Abrams, with Research and Polling, stated they would be unable to attend the special meeting.

- 1. CONSULTANT/CLERK UPDATE:** Rosprim reported Abrams was present from Research & Polling with the same information from the last meeting. Rosprim stated she had not received any questions or comments from the Board. Hernandez stated the information was well presented and self explanatory.
- 2. COMMISSIONER COMMENTS REGARDING REDISTRICTING OF COMMISSION DISTRICTS:** Lara stated the consensus from the last meeting was Plan C would not be considered. The Board agreed that Plan A and B were the only ones up for consideration. Derrick stated he preferred Plan B. Volpato and Lara preferred Plan A. Hernandez and Lutman preferred Plan B. Volpato stated with Plan B he would lose his metro precincts and gain Happy Valley on the west side. He preferred not to lose precincts 25 and 26. Plan B would drastically change his district. Lara stated with Plan A she would lose precinct 9 and pick up a metro district. With Plan B she would lose precincts 14 and 15 and keep precinct 9. Plan

A made more sense with the way the city was laid out. Hernandez stated he liked Plan B but was open to Plan A. His concern with Plan A, was District 1 would take in the entire southern portion of the county.

3. **PUBLIC COMMENT REGARDING REDISTRICTING OF COMMISSION DISTRICTS:** None.
4. **COMMISSION DIRECTION TO CONSULTANT/CLERK:** Hernandez polled the Board individually for their suggestions.

Derrick stated he liked Plan B as presented and did not want to lose precinct 42.

Volpato stated he would support Plan B on the condition that precincts 25 and 26 were moved back into District 4. He would be willing to give up precincts 15 and 35 and take precinct 38 if necessary.

Lutman would support Plan B, and be willing to take precinct 35 back and give up precinct 38.

Hernandez liked Plan B as presented. He would like to keep precincts 12 and 13, but would be willing to give up precinct 14 for precinct 9.

Lara would support Plan B, and would like to get precinct 15 back.

Abrams stated he would take the suggestions, implement them and have a new map with population counts and deviations to the Board by Friday.

5. **ADJOURN:** At 6:43 p.m., Volpato moved, seconded by Lara to adjourn. Voting yes: Hernandez, Volpato, Derrick, Lara and Lutman. Passed: 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

APPROVED: _____

**EDDY COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
AUGUST 30, 2011**

BE IT REMEMBERED that the Eddy County Board of Commissioners held a Special Meeting at the Eddy County Community Center, Artesia, New Mexico, on August 30, 2011 at 6:00 p.m. Hernandez called the meeting to order.

Present:

TONY HERNANDEZ	CHAIRMAN, DISTRICT 1
JACK VOLPATO	COMMISSIONER, DISTRICT 4
LEWIS DERRICK	COMMISSIONER, DISTRICT 2
ROXANNE LARA	VICE-CHAIR, DISTRICT 5
GUY LUTMAN	COMMISSIONER, DISTRICT 3
ALLEN SARTIN	COUNTY MANAGER
DARLENE ROSPRIM	COUNTY CLERK
ROBIN VANNATTA	CHIEF DEPUTY CLERK
GAY WEST	ADMINISTRATIVE ASSISTANT
PHIL BURCH	ARTESIA MAYOR
AUBREY HOBSON	ARTESIA CITY CLERK
JOE AGUILAR	ARTESIA CITY COUNCIL
MANUEL BARRAGAN	ARTESIA CITY COUNCIL
TYLER GREEN	ARTESIA DAILY PRESS

Absent:

CAS TABOR	COUNTY ATTORNEY
JOHN CARAWAY	PROBATE JUDGE
KAREN ROBINSON	ASSESSOR
TERRI RICHARDS	TREASURER
ERNEST MENDOZA	SHERIFF

- 1. CONSULTANT/CLERK UPDATE:** Rosprim reported Research & Polling had taken the requests of the Board from the last meeting, and submitted two alternate proposals B1 and B2. Lara and Hernandez had reviewed the changes and indicated they would support Plan B1.
- 2. COMMISSIONER COMMENTS REGARDING REDISTRICTING OF COMMISSION DISTRICTS:** Hernandez opened the meeting to comments from the Board.

Lutman expressed concern that District 3 lost precinct 39.

Lara, Volpato and Hernandez were pleased with B1.

Derrick stated he would like more time to review the new plans.
- 3. PUBLIC COMMENT REGARDING REDISTRICTING OF COMMISSION DISTRICTS:** Mayor Burch questioned the need to revise plan B. He expressed concern about the new versions of the plan and the fact that District 3 would lose

precinct 39. Volpato explained the new variations were a result of requests from the Board. Burch responded that the purpose of redistricting was to create fair and equal voting districts, not to please the Commission. VanNatta explained that all the plans submitted were within the 5% deviation, which was required by law. Lutman questioned what could be done in order to put precinct 39 back into District 3. Rosprim stated the request would need to be submitted to Research & Polling to see what precincts could be switched. Derrick pointed out in the revised plan B1, District 3 acquired precinct 6, which was a huge voting precinct. The potential to elect two commissioners from the north end was very good. Aguilar expressed concern about the proposals diluting the minority population and questioned if there was still time to submit another proposal. Derrick stated his intent for this meeting was to get information out to the public and take comments and suggestions.

- 4. **COMMISSION DIRECTION TO CONSULTANT/CLERK:** Hernandez asked the Board for their input or direction for the Clerk and Consultant. The general consensus was to present Plan B1 at the September 20, 2011 meeting for approval. Derrick stated this would give concerned citizens time to review the data and possibly submit an alternate proposal. Hernandez thanked the public for their attendance and participation.

- 5. **ADJOURN:** At 6:35 p.m., Volpato moved, seconded by Derrick to adjourn. Voting yes: Volpato, Derrick, Lara, Lutman and Hernandez. Passed: 5-0.

EDDY COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

ATTEST:

COUNTY CLERK

APPROVED: _____